

ADDRESS AND REPLY,
ON THE
PRESENTATION OF A TESTIMONIAL,
TO
S. P. CHASE,
BY THE
COLORED PEOPLE OF CINCINNATI;
WITH SOME ACCOUNT OF THE CASE OF
SAMUEL WATSON.

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A. G. SPARHAWK, PRINTER.

INTRODUCTION.

It has been thought by many who are interested in the elevation and progress of *the whole* American People, that the recent public presentation to Mr. S. P. CHASE, of a valuable and beautiful testimonial of grateful regard by the Colored People of Cincinnati, was an incident too novel in its occurrence, and far too interesting in its moral aspect, to receive only the passing record of the daily press. Attentive observers have long appreciated the fact, that our colored population are not less sensitive to kindness than patient of aggression and contumely; but the delicate and appropriate manner in which this sensibility was manifested on the occasion referred to, has attracted no inconsiderable attention in this community, and certainly indicates a refinement of sentiment, which every lover of the well-being and progress of society must regard with peculiar and cordial interest.

The immediate occasion of the offering, was the elaborate and masterly argument of Mr. CHASE in the late case of Samuel Watson,

although that effort was well understood to be but the sequel to other and previous services in the cause of the Oppressed, which have often marked the professional and private life of that gentleman, and have awakened a strong sense of gratitude among a class, who are the more sensible to considerate kindness and disinterested service, from experiencing so frequently the reverse.

The case of Watson deserves a passing notice. A succinct statement is as follows:

On the morning of the 21st of January, 1845, before day, one Henry Hoppess, having in charge the colored man Samuel Watson, arrived at Cincinnati on the steamer Ohio Belle. Shortly after the boat was made fast to the shore, Watson was missing. In the evening he was found by Hoppess upon the landing: not attempting, and probably not thinking of an escape. He was seized, lodged in the Watch House, and on the following morning taken before a Magistrate, in order to obtain a certificate for his removal as a fugitive from service under the Act of Congress of 1793.

At this point in the proceedings a writ of Habeas Corpus was allowed by the Honorable N. C. Read, one of the Judges of the Supreme Court of Ohio, in obedience to which Watson was taken before him and Hoppess was required to justify his detention.

With this purpose, Hoppess alleged that Wat-

son was a slave in Virginia; that his master had taken him to Arkansas, and, having himself returned to Virginia, had died, having previously conveyed Watson to one Floyd: that as the agent of Floyd he had proceeded to Arkansas, obtained possession of Watson, and was returning with him to Virginia, when, the boat having arrived at Cincinnati very early in the morning, Watson escaped.

The proof showed that at the time of the alleged escape the boat was made fast to the Ohio shore, and was inside of low water mark: that, at the time Watson was seized on the landing, he was making no attempt to escape: and that those who first noticed the boat on the morning of her arrival neither observed any indications, nor heard any suggestion of an escape having taken place.

The argument for Watson was opened by Messrs. Birney and Johnson, and closed by Mr. Chase. They insisted,

1. That there had been no escape.

2. That the escape, if there was one, was from one place in Ohio to another place in the same State, and so not within the constitutional provision as to escaping servants, nor the provisions of the Act of 1793.

3. That the boat at the time of the escape was within the State of Ohio, being fastened to the Ohio shore and within low water mark; to which line by consent of all, the territory of

the State extends ; and beyond this line, they insisted, to the middle of the river.

4. That the holding of persons as slaves in Arkansas was repugnant to the treaty with France, which provided for the admission of all the inhabitants of the territory to the immunities of citizens of the United States ; and also to the fifth amendment of the Constitution, which declares that no person shall be deprived of liberty without due process of law, and applies, at least, to all national Territories, and States created out of such : and that Watson having been taken by his alleged master from Virginia to Arkansas was free there, and could not be reclaimed.

5. That the Act of 1793, relating to fugitives from service, was unconstitutional : that no power was conferred by the Constitution upon Congress to legislate upon the subject ; and if there was, yet the provisions of this Act, authorizing seizure without warrant, trial without jury and without opportunity to the defendant to cross-examine witnesses against him, and judgment by a State Magistrate, irresponsible in the exercise of this authority to the State or the United States, and compensated only according to his own bargain with the Plaintiff, were clearly unconstitutional.

6. That the ordinance of 1787 confined the right of reclaiming escaping servants, as to the Territory of the United States northwest of the

River Ohio and as to the States erected out of it, to cases of escape from the original States: and that Watson, not having escaped from an original State, could not, therefore, be reclaimed as a fugitive from service.

These considerations failed to influence the Court to their whole extent. Judge Read decided that slavery might exist in Arkansas; that the treaty with France was for the cession of territory and allegiance, and did not change the relations of persons and the rights of property. He also held that a slave, escaping to Ohio from a new State, is subject to recaption precisely as though the escape had been from one of the original States. The decision also sustained the constitutionality of the Act of Congress, authorizing the present summary process against escaping servants; and upon the leading point in the case, respecting the jurisdiction on the Ohio river, the Court, although laying down the principle that slavery was strictly local, still held that a master navigating the Ohio river, whilst upon the water, is within the jurisdiction of Virginia or Kentucky for the purpose of retaining the right to his slave; and that, although the boat which contained them should be fastened to the shore of a free State, yet a slave going at large would be liable to recaption, as a fugitive from one State into another—this being an incident to the common right of navigation, secured at an

early day to the people of the States bordering upon the Ohio river. The learned judge did not intimate, whether the same rule, thus applied to the Ohio, would extend to navigable streams which were wholly included within the body of a free State.

Although the result of this opinion was to subject Watson to the power of Hoppess, yet some principles were recognized of the most vital importance to the free States, and the full force of which, if applied to the case of Watson, might have reversed the issue, and vindicated his claim to himself.

His honor the Judge emphatically recognized the strictly local character of Slavery.—“Slavery” said he, “is wrong inflicted by force and supported alone by the municipal power of the State or Territory in which it exists. It is opposed to the principles of natural justice and right, and is the mere creature of positive law.” “If a master bring his slave into the State of Ohio, he loses all power over him. The relation of master and slave is strictly territorial. If the master take his slave beyond the influence of the laws which create the relation, it fails—there is nothing to support it, and they stand as man and man. The slave is free by the laws of the State to which he has been brought by the master, and there is no law authorizing the master to force him back to the State which recognizes and enforces the

relation of master and slave. At one time I was of the opinion he had the right of passage through a free State with his slave. This probably would harmonize with the spirit of the compromise upon this subject. But upon more careful examination, I am satisfied the master must lose his slave; if he brings him into a free State, unless the slave voluntarily returns to a state of slavery; because the master loses all power over the slave by the law of the State to which he has brought him; and there is no other law authorizing him to remove him. The Constitution of the United States only recognizes the right of recapture of a fugitive, held to service in one state, *escaping into another*. The person owing service must escape from the State where such service is owed, into another State. The Act of Congress, carrying into effect the constitutional provision, authorizes a recaption only where there has been an escape from the State where the service was owed into another State. If there has been no such escape, the master has no right of recaption, and the slave may go where he pleases—the master has lost all control over him.”

Judge Read thus explicitly recognized a doctrine which was first fully presented to the Courts of Ohio by Mr. Chase, in 1837, in his arguments in the case of Matilda, before the Superior Court of Cincinnati, and in the case of

The State against James G. Birney, before the Supreme Court of Ohio: but which, at that time, met with comparatively little favor. It is somewhat remarkable that Judge Read was the opposing counsel to Mr. Chase in both these cases. This fact gives point to his remark, which will be remembered by those present at the trial, that the transition from his former to his present opinion, might be characterized as "progress." The popular sympathy with the claimant of his liberty, and the evident impression produced upon public sentiment, by the considerations urged in his behalf, were indications, no less significant of "progress."

After the result of the case was known, it was determined at a meeting of the colored people, that an appropriate mark of grateful respect should be tendered to each of the counsel for Watson, who had declined the usual compensation for professional services. As a part of these arrangements, a committee was appointed to superintend the preparation of a Silver Pitcher, to be presented to Mr. Chase, not merely as a token of their gratitude for his efforts in this case, but also as a testimonial of their grateful appreciation of other and former services. The fabrication of the gift was entrusted to Messrs. E. & D. Kinsey, whose taste and skill are fully attested by the beauty of design, and elegance of finish, which marked

the work they produced. It was copied from a fine antique model, with little ornament beyond the slight chasing of the borders and handle. It bore the following inscription:

A
TESTIMONIAL OF GRATITUDE
TO
SALMON P. CHASE,
FROM
THE COLORED PEOPLE OF CINCINNATI,
FOR HIS
Various public services in behalf of the oppressed,
and particularly for his
ELOQUENT ADVOCACY OF THE RIGHTS OF MAN,
in the case of SAMUEL WATSON,
who was claimed as a fugitive slave,
Feb. 12, 1845.

The evening of Tuesday, the 6th of May, was fixed for the presentation. At the appointed time, a very large assemblage occupied the Union Baptist Church, where the ceremony was to take place. The Rev. Mr. Satchell, a colored minister, first invoked the Divine blessing upon the transactions of the evening. An address to Mr. Chase, in behalf of the colored people, by Mr. A. J. Gordon, himself one of them, accompanied the presentation.

After Mr. Chase had replied, the hymn, "America," was sung with great taste and feeling. The exercises closed with a benediction, by the Rev. Mr. Satchell.

MR. GORDON'S ADDRESS.

MR. CHASE:—

Upon me, sir, has devolved the agreeable duty of presenting to you on behalf of the Colored People of Cincinnati, this Pitcher, as a token of their high regard and deep sense of gratitude towards you, for your remembrance of our brethren in bonds as bound with them; and also for your zealous and disinterested advocacy of the rights and privileges of all classes of your fellow-citizens, irrespective of clime, color or condition. In the manner of your acceptance of it, in this public manifestation of your identification with the cause of the slave, we have but another evidence, added to the many which have preceded it, of the high moral daring of your nature, and the disinterested patriotism that has led you to take sides in opposition to American slavery and American prejudice. During a period of many years, sir, we have viewed with silent admiration, and with feelings of the liveliest gratitude, the prompt and efficient aid you have rendered the cause of humanity in your professional capacity. Whenever the friendless objects of

slaveholding cupidity have found themselves by the Providence of God, upon our free soil, and have sought through the instrumentality of the Ordinance of 1787, enacted by the wisdom and patriotism of the Fathers of the American Revolution, to assert their claims to those rights which our boasted Declaration of Independence declares to be inalienable; their right to themselves, to their liberty, and to the uncontrolled pursuit of those objects which would alone conduce to their individual happiness, they have ever found in you, sir, a firm, zealous and devoted friend. Scorning the proffered price of blood from the hand of the oppressor, and disdaining the prostitution of your great legal talents in subserving the cause of oppression, and in riveting fetters on the limbs of a helpless fellow being, you have invariably been found ranked on the side of the oppressed, in opposition to the unrighteous claims of the oppressor. Proudly and pre-eminently conspicuous among the many cases in which you have thus distinguished yourself as a friend to the rights of man, stands the recent case of Samuel Watson: pre-eminent not only on account of the great and unsurpassed legal effort that you made to dash from his lips the bitter cup of Slavery, and the deep and heart felt sympathy you manifested for his hapless fate; but also in the marked and decisive evidence afforded in the adjudication of his case of the

advance of anti-slavery sentiment in the minds of a large class of your fellow citizens, and the triumph of a principle which, for years, you have contended for, amid obloquy and reproach. Before the promulgation of anti-slavery sentiment in this State, it was of common occurrence to witness at our public landing, in their transmigration to a Southern market, coffles of human beings, manacled and chained like beasts of burden, and upon our principal streets and thoroughfares was frequently to be seen some lordling of the patriarchal institution, with his human chattels in the form of obsequious slaves, desecrating the free soil of our State, and trampling under foot her fundamental law. And strange as it may appear, during all that lengthened period, none thought to question their right, and none sought to vindicate the insulted majesty of the Law; and when, at length, you, together with a noble band of coadjutors, planting yourselves on the Ordinance of 1787, enacted, as we believe, by the Patriots of the Revolution, as a barrier against the growth of the Slave Power, and as a living testimony against the foul system, but which had been suffered to lie in the grave of pro-slavery forgetfulness by their degenerate sons, sought to recall it into life, and give it that vitality necessary to vindicate the memory of the departed patriots who promulgated it, from the

charge of hypocrisy, you were met by the great body of your fellow citizens with the most fierce and bitter hostility: you were denounced as officious intermeddlers with the rights of your fellow citizens of other States, plotters of treason, excitors of domestic feuds, enemies to the interest and prosperity of your native State: in short, no term of reproach was deemed too harsh, by your opponents, to express their feelings of hostility towards you, for merely enforcing a fundamental law of the State, and thereby saving from hapless bondage, from unrequited toil, from a condition of brutal degradation—which any of your opponents would willingly spill the last drop of their heart's blood, rather than submit to—fellow beings, made in the likeness of God, and destined to the same high hopes and glorious immortality as the proudest of *your* opponents and *their* oppressors. But, conscious of the purity of your motives, and the rectitude of the principles by which you were governed, and believing with the poet, that

“Thrice is he armed, who hath his quarrel just,”

armed with the omnipotent panoply of Truth, and relying upon the arm of Him who maketh even the wrath of man to praise him, you pursued the even tenor of your way, unawed by the fierce and bitter opposition which marked every step of your progress, until at length you had the proud satisfaction of hear-

ing the principle which, when you first asserted it, was pronounced a mere chimera of fanaticism, proclaimed in the adjudication of the case of Watson, as the established law of the State. And, although we cannot congratulate you that by your matchless efforts in his behalf, you won freedom for Watson, yet by this decision you won a TROPHY FOR FREEDOM: you secured the free soil of our State from further pollution by the footprints of Slavery.

Equally satisfactory must it have been to you, Sir, to mark the progress of Anti-Slavery sentiment in the minds of all classes of your fellow citizens, which this trial evinced. Instead of the reviling and reproaches which had heretofore marked your efforts in behalf of crushed humanity, the gushing sympathy of approving hearts overleaping the barrier of judicial order and decorum, attested their appreciation of your efforts, and their sympathy with the oppressed, by irrepressible applause.

But not alone in your professional capacity, have you distinguished yourself as the friend of the slave, and the opponent of American slavery, but as a private citizen of this great Confederacy in the discharge of all the duties pertaining to that high character, you have exerted all the moral influence you possess, and all the powers of your vigorous mind, for their disenthralment, and the entire extinction, in a legal and constitutional manner, of the

foul system, throughout the length and breadth of the land. In your deep devotion and zealous advocacy of the rights and liberties of our enslaved brethren, you have not been unmindful of the deprivation of rights endured, and the wrongs inflicted upon the free colored people of this country. Deprived of all participation in the affairs of Government, yet compelled to bear our full share of its burdens: taxed, without a voice in the selection of those by whom the tax is imposed; and subjected, in this State, together with others, to the most invidious distinctions, created by statute, touching our dearest and most sacred rights;—our condition, by the operation of an unjust and perverted public sentiment, which meets us at the cradle and follows us to the tomb, is rendered worse than that of aliens in our native land. To right these wrongs, to redress these grievances, to wipe from off the statute books of our State and Country all invidious distinctions founded on color, to correct that unmanly and wicked public sentiment which crushes us to the earth, and which has no foundation in the naturally just and generous emotions of the human heart, but is the mere creature of a vicious education, you have labored both in your professional capacity and as a private citizen, with a zeal and devotion which commands the warmest gratitude of our hearts, and should entitle you to the gratitude and admiration of

every true lover of liberty, truth, and justice.

I will not trespass too much upon the natural feeling of aversion that all good and great minds possess to the emblazonment of their virtuous deeds within their hearing, by detailing all of the many acts in which you have served the cause of our down-trodden and oppressed people; but let me assure you, sir, that each and all of them are engraven on the tablets of our hearts, and as long as memory retains her seat, will be held in grateful recollection. In conclusion, sir, permit me to add that the prayers of thousands of grateful hearts daily ascend to the God of the oppressed, imploring divine protection and blessings upon you; and that you may soon be permitted to witness the triumph of the measures you have so nobly contended for—the redemption of the slave and the removal of every vestige of oppression and prejudice from our beloved Country; and that, when in the providence of God you shall be called from your earthly labors, and, together with the oppressor and the oppressed, appear before the august Bar, you may be greeted with the welcome plaudit from the lips of Him who came on earth to open the prison doors and undo the heavy burdens, of “Well done thou good and faithful servant, enter into the joys of thy Lord;” “For inasmuch as you did it unto the least of these my brethren, you did it unto me !”

REPLY OF MR. CHASE.

I ACCEPT, SIR, with peculiar satisfaction, the beautiful gift which you tender to me in behalf of the Colored People of Cincinnati. If I fail to express adequately my thanks to you, let me trust that you will attribute the failure, in part, at least, to the novelty of the position which I now occupy. It is, indeed, a novel position. When as a boy, I first knew the people of this city, if any one had hazarded the prediction, that in the course of some twenty years, the colored inhabitants, then hardly in a better condition than slaves, would be so far advanced as to offer to public observation, the scene witnessed here and now, he would have been looked upon as beside himself. Little did I imagine that I should ever meet you as I meet you now, and be myself an actor in such circumstances as now surround us.

Let me, however, most explicitly, and from the heart, disclaim all pretension to the praise you, sir, have bestowed upon me. I do not desire to be regarded as a leader in the contest for Universal Freedom; but simply as one of the rank and file. I see here, to-night, men

who acted earlier, and have done far more than I. I can only take credit, if I take credit at all, for not being unwilling to learn and to do. Nor in what I have done can I claim to have acted from any peculiar consideration of the colored people as a separate and distinct class in the community; but from the simple conviction that all the individuals of that class, are members of the community, and in virtue of their manhood, entitled to every original right enjoyed by any other member. I am only one of a great number, who adopt the opinion that, in a country of democratic institutions, there is no reliable security for the rights of any, unless the rights of all are, also, secure. In a Monarchy or an Aristocracy, the rights, or rather privileges, of a class may be created by law and secured by law. But in a Democracy, which recognizes no classes and no privileges, every man must be protected in his just rights, or no man can be, by law. The moment the law excludes a portion of the community from its equal regard, it divides the community into higher and lower classes, and introduces all the evils of the Aristocratic principle. Henceforth, in that community, rights, in the proper sense of that word, cease to exist. Instead of rights, there are privileges for the higher classes, and restrictions for the inferior. We feel, therefore, that all legal distinctions between individuals of the same community, founded in

any such circumstances as color, origin, and the like, are hostile to the genius of our institutions, and incompatible with the true theory of American Liberty. God forbid, that we should fail to sympathise, truly and deeply, with the poor, the destitute, the oppressed, the enslaved colored people of our land; or to exert ourselves strenuously in their behalf; but let us not take to ourselves too much credit for sympathy or effort, since our own rights as well as theirs, are involved in the struggle in which we are engaged, and every day's experience adds fresh strength to the conviction, that slavery and oppression must cease, or American Liberty must perish.

There are, say, three millions of colored people in this country; two and a half millions are enslaved; half a million are free. In Massachusetts, and in most if not all the New England States, the colored man and the white man are absolutely equal before the law. In New York the colored man is restricted as to the right of suffrage by a property qualification: in other respects the same equality prevails. In the other Free States they are generally excluded from the right of suffrage. In Ohio they are excluded from this right by a constitutional provision. Various legal provisions deny to them the benefits of public instruction, of testimony in courts of justice, and even of residence in the State, unless upon

degrading and oppressive conditions. These legal disabilities are added in this State, to that prejudice which, every where, throughout the whole land, is as a rod of iron to smite, and a chain of iron to bind, in the hand of Oppression.

I embrace with pleasure, this opportunity of declaring my disapprobation of that clause in the constitution which denies to a portion of the colored people the right of suffrage. True Democracy makes no enquiry about the color of the skin, or the place of nativity, or any other similar circumstance of condition.—Wherever it sees a man, it recognizes a being endowed by his Creator with original inalienable rights. In communities of men, it recognizes no distinctions founded on mere arbitrary will. I regard, therefore, the exclusion of the colored people as a body from the elective franchise as incompatible with true democratic principles. I am aware that this exclusion is effected by a constitutional provision, and propose no action against the constitution. But, whenever a convention shall be called to revise that instrument, I trust that this anti-suffrage restriction will be erased. It is, in fact, already as ridiculous in practice as it is wrong in theory. A decision of the Supreme Court has established the rule that all persons nearer white than half, are white within the meaning of the constitution and laws, and entitled to all the

privileges of white citizens. It becomes necessary, therefore, in every case, when a vote is tendered at the polls, to scrutinize the complexion and ascertain the exact shade. There are voters here, doubtless—there are certainly voters in the State, distinguished too by personal worth and political position, who would have reason to fear an impartial application of such a test.

The exclusion of colored children from the schools, is, in my judgment, a clear infringement of the Constitution and a palpable breach of trust. Before the organization of the State Government, the Congress of the United States appropriated one thirty-sixth of all the land in the State to the purposes of public instruction. The grant was of section sixteen in each township, or an equivalent quantity of land “to the inhabitants of the township for the use of schools.” When the State Constitution was formed, no person dreamed of excluding the colored inhabitants of any township from the benefits of this provision. On the contrary, the constitution expressly declares that the “schools, colleges, and universities endowed in whole or in part from revenues arising from donations, made by the United States, shall be open for the reception of scholars, students and teachers, of every grade, without any distinction or preference whatever, contrary to the intent for which said donations were

made." For near thirty years after the adoption of the constitution, no attempt was made to exclude any portion of the inhabitants of the State from the benefits of the provision thus sacredly guaranteed to all. In 1831, for the first time, the exclusion of the colored children was effected by a legislative enactment, which is yet in force. It cannot be doubted, it seems to me, that this enactment is repugnant to the constitution. It is certainly inconsistent with the maxims of sound policy and wise legislation, which require the highest possible instruction of every member of the community.

But exclusion from the schools is hardly so great an evil as exclusion from the witness box, in all cases where either party is a white person. Judge King, in his admirable report on the black laws, submitted to the Senate of Ohio in 1838, demonstrated to the satisfaction of all impartial men, the unconstitutionality of this provision of the law. A similar proposition for the exclusion of colored witnesses was submitted in the convention for framing the constitution, and was rejected. On the contrary the constitution declared that all courts should be open, and that every person, for any injury inflicted, should have redress without denial or delay. Where is the utility of such a provision, if the law may deny to litigants all resort to witnesses necessary to establish their

rights. Suppose two persons, one white, the other colored, arraigned for crime : both are innocent, but circumstances are strong against both : the only witness who can conclusively establish the fact of innocence is a black man. In this case the white man may suffer; the colored man will escape. Reverse the case : suppose then both guilty, and the only witness to their guilt a colored man : the white man will escape, and the colored man be convicted. This law, also, enables white men to employ the agency of colored men in every description of crime with comparative impunity to themselves. It exposes the colored people to every species of violence and outrage from base and unprincipled whites, who are entirely secure from punishment, so long as they perpetrate their villanies only in the presence of colored witnesses. It is, in fact, a standing license to fraud and oppression, and a solemn legislative sanction to crime. Such a law cannot fail to exert the most disastrous influences upon public morals.

Such being the character of this legislation, it is not surprising that almost all humane and benevolent persons are opposed to it. Last winter, numerous petitions, praying for its repeal, were presented to the Legislature. The petition from this city was subscribed without party distinction, by our most respected merchants, by our most distinguished professional

men, by our most venerated ministers of religion; in fine, by our best citizens, of every occupation. But the law still disgraces the statute book. The claims of humanity and justice have been postponed to the supposed interests of party.

The statute to which I have just referred, is enforced by the Courts. I am about to refer to another, which depends rather for its execution on popular sentiment represented by the trustees of the several townships. I allude to the provision requiring bonds for good behavior, and support in the case of pauperism, from colored immigrants. This provision has, for the most part, been suffered to repose as a dead letter on the statute book. Has the minister of the Gospel, who has invoked the divine blessing on the transactions of this evening, given bonds for his good behavior? Have you, sir,—who with so much feeling, and so much ability, and let me add, so much more than justice to my humble efforts, have represented the colored people here to-night,—have you given such bonds? It has not been needed. The bonds given by you are no other than those given by all good citizens—conscience, reputation, personal interest, social and domestic ties. I am glad of it; I rejoice that the public sentiment is better than the law, and has repealed the law. I trust that ere long the Legislature will be irresistibly urged, by

the popular voice, to give the sanction of legal form to the repeal which has been, in fact, already effected by opinion.

I arraign the whole policy of our legislation in relation to our colored population. I deny its justice; I deny its expediency. I arraign it as wrong in principle, and demoralizing in tendency, at the bar of sound reason and enlightened opinion. I demand in the name of our common manhood, and our common Christianity, and our common destiny, the reversal of this policy, and the abrogation of this legislation. The colored people are not alone interested in this matter. Every law on the statute book so wrong and mean that it cannot be executed, or felt, if executed, to be oppressive and unjust, tends to the overthrow of all law, by separating in the minds of the people, the idea of law from the idea of right. The iron of oppression, if it enters into the soul of the oppressed, poisons, with its cankering rust, the hand of the oppressor.

Let me turn now, for a moment to the condition of the enslaved. They number two millions and a half. I claim for these the rights which the Constitution and the Law, rightly interpreted, secure to them. I claim that nowhere, unless within the limits of the original States, can a single person be enslaved, except in violation of the Constitution and the Law. I maintain that the Declaration of Inde-

pendence and the Constitution of the United States, are the expressions of the anti slavery sentiment of an anti slavery people. In the former, these expressions assumed the form of a solemn proclamation of the National Creed, on the subject of Human Rights. In the latter, these expressions took the shape of a permanent declaration of the National Will, embodied as the Fundamental Law of the land. The Declaration assumed the natural equality of all men as the foundation principle of all just government. The Constitution, acting on things as it found them, established the National government, with such powers and such limitations of power, as would, it was then thought, secure the final conformity of the actual condition of the people to the theory of the Declaration. The *policy* of the Government, at that day, was clearly indicated by the Ordinance of 1787. This celebrated Ordinance excludes Slavery from the Territory northwest of the Ohio, then the only Territory of the Nation. The same instrument provides for the creation of five non-slaveholding States out of this Territory. This provision, it was supposed, would secure the permanent preponderance of anti slavery influence in the Government. It would have had this effect, had not new slaveholding Territory been subsequently acquired, out of which Congress, violating the Constitution and disregarding the

established National Policy, has created five additional slaveholding States.

In the case of Watson, of which, sir, you have so feelingly spoken, the constitutional limitations of slavery were fully discussed. In that case it was my part to re-state the positions and re-iterate the reasonings of the able lawyers associated with me. I may be permitted, therefore, to say that, in my judgment, the positions were sound and the arguments unanswerable. The first of these positions, and that on which the whole argument hinged, was that the Constitution was not designed to uphold slavery, and conferred no power on Congress to establish, continue, or sanction slaveholding any where. We also maintained that slaveholding could not be continued any where without the sanction and aid of positive law. Did these propositions, sir, need any other demonstration than a simple inspection of the Constitution furnishes to the first, and every man's consciousness furnishes to the second? Surely, Slavery did not descend from Heaven, as some Divines profanely teach; it came up from beneath, it did not come down from above. Let us hope, however, that it will go down, and that right speedily to the place of its origin, and know no resurrection. Slavery is an institution of force. If I claim to own you, sir, and require you to do some service for me, and you refuse, and the law puts forth the

power of the community, in aid of mine, to compel you to submit to my disposal, and you are compelled to submit, then you are a slave. Congress is not authorized to exert any such power in behalf of the master. Congress is expressly prohibited from exerting any such power by the fifth amendment of the Constitution, which declares that "no person shall be deprived of Life, Liberty, or Property, without due process of law." How, then, could Slavery continue in the territory of Louisiana, after its acquisition to the United States? There was —there could be no valid law in the Territory incompatible with the Constitution which forbade that any person should be deprived of liberty without due process of law. There was —there could be no law in the Territory which did not exist either through the adoption or by the enactment of Congress, or of the Territorial Legislature, which derived all its power from Congress. Congress could not adopt laws which it could not enact, nor confer a power on the Territorial Legislature which it did not itself possess. Congress has no power to legalize the practice of slaveholding. The practice of slaveholding, therefore, in the Territory, could not be legalized. Nor could it be legalized in any State created out of the Territory, unless it can be maintained that a part of the people of any one of the States in this Union, can convert another part into prop-

erty if they can get possession of the Legislature, and have physical force enough to enforce its detestable enactments.

I have no doubt of the correctness of these positions, or of the soundness of the inevitable inference from them, that slaveholding in Arkansas is unconstitutional, and consequently that Watson, having been conveyed to Arkansas by his Virginia master, was free. But I was aware that this doctrine was too little in accordance with the received pro slavery theories of constitutional construction, to find much favor upon a first hearing, and was not disappointed that the Judge did not acquiesce in it. I expect, however, to live to see it recognized in all Courts as sound law.

I was disappointed that Watson was not set free on another ground. The Judge admitted that Slavery was strictly local, that the moment any person held as a slave, not within the constitutional exception of persons held to service in one State and escaping into another, passed out of slaveholding territory, he was beyond the reach of slaveholding law, and therefore no longer a slave, but a *MAN, free by Divine Right.*

It was proved that the boat on which Watson was travelling, in charge of Hoppess, was within low water mark, attached to the Ohio shore, and therefore not merely within the State, but a part, as it were, of her soil. It

was not pretended that Watson was a fugitive upon the boat. He was free then, there; free to go whither he pleased; free to every intent. No provision for the navigation of the river by the citizens of the different States, could prevent this consequence; for it was a necessary result of the fact that Watson was in Ohio, and not a fugitive. The distinguished Judge, who heard this case, referred to his own change of opinion. Once he thought that masters might travel with a slave through the State; now, however, he had become satisfied that if a slave was once landed on the shore, with the consent of the master, he ceased to be a slave, because beyond the reach of slave law. He said this was progress; and it was so. I only wish he had made a little more progress in the same direction. We should not, then, have had occasion to deplore, as we now do, the surrender of a man, rightfully free, by the Magistracy of Ohio, to life-long slavery.

But such occurrences as these should only arouse us to demand in more peremptory tones, the restriction of Slavery within its original limits. We ask nothing unconstitutional. We make no war on the Constitution. We defend it. We demand, for all, the rights which it guarantees. We are determined to carry out its anti slavery principles to practical consequences. We act in the spirit of our Fathers, and are guided by their example. We act

as we believe they would act were they living, and not dead.

I am certainly gratified that my humble services have procured for me this token of your approbation and esteem. I trust, however, that the gratification felt by me, is not altogether personal or selfish. That ready appreciation of benefits received, or rather of efforts honestly and sincerely intended to benefit, which the proceeding of this night evinces, affords an ample refutation of the base and vulgar calumny that the colored people are incapable of refined sentiment or grateful feeling. The proceeding of this night has a value beyond this. It suggests—may I not say, proves, that the best way to ensure the peaceful dwelling together of different races, is the cordial reciprocation of benefits, not the mutual infliction of injuries. Viewed in this aspect, the occasion has a value far beyond that of the gift. I thank you for both; for the one in my own behalf; for the other in behalf of the great cause of Human Freedom and Progress.

Permit me, sir, before I close, to congratulate you upon the visibly improved condition of the colored people of Cincinnati. Debarred from the public schools, you have established schools of your own; thrust by prejudice into the obscure corners of the edifices in which white men offer prayer, you have erected churches of your own, in which you find free-

dom to worship God; that God who is no respecter of persons. Excluded from the witness box, you have sought that security which the law denies, in a favorable public opinion precipitated by your good conduct. It is but a few weeks since I was a gratified spectator in this place, of the exercises of the Colored High School, and every intelligent countenance and every generous aspiration of that youthful band of happy scholars, added fresh strength to my desire for the advancement of the race to which they belonged. And I envy not the man who could hear without emotion that the colored people of this church, when the storm of a desolating calamity fell lately upon a neighboring city and half destroyed it, stepped forward to the relief of the suffering, with a liberality exceeded by that of few, if any, white congregations.

Such incidents as these remind us of that disinterested humanity with which so many colored people of Philadelphia, when the Yellow Fever was raging in that city, stood by the couches of the sick and the dying, refusing all compensation for their inestimable services. They may remind us also of that disinterested love of country which Jackson eulogized when he summoned the colored people of the far South, to co-operate, under his standard, with their white fellow citizens in repelling the invading foe.

Let me exhort you to go forward as you have begun. Be assured that upon yourselves lies the chief responsibility of the work of your social and civil redemption. And if the white oppressor be a fit object of just indignation, what execration should pursue that colored man, who, by his unworthy vices or dishonest actions, gives ground for sweeping charges against the race, and holds back his fellows from the career of advancement. Let not this deep guilt attach to any one of you. Go forward, rather, having perfect faith in your own manhood and God's providence. "Add to your FAITH, virtue, and to virtue, knowledge, and to knowledge, patience, and to patience, temperance, and to temperance, brotherly kindness, and to brotherly kindness, charity."

For myself I am ready to renew my pledge—and I will venture to speak also in behalf of my co-workers,—that we will go straight on, without faltering or wavering, until every vestige of oppression shall be erased from the statute book:—until the sun in all his journey from the utmost eastern horizon, through the mid-heaven, till he sinks beyond the western mountains into his ocean bed, shall not behold, in all our broad and glorious land, the foot print of a single slave.